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REGULAR

NUMBER: 238.2

TITLE: ORDINANCE AMENDING AN EXISTING SUBSECTION TO SECTION 3.03 OF TITLE VIII, CHAPTER 5 ENTITLED "WATER EFFICIENT LANDSCAPES"

HISTORY: This ordinance was introduced (first reading) at a meeting of the City Council of the City of Milpitas on _____, 2005, upon motion by Councilmember _____, and was finally adopted (second reading) at a meeting of said Council on _____, 2005, upon motion by Councilmember _____. Said ordinance was duly passed and ordered published in accordance with the law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS AND FINDINGS

- A. Pursuant to Government Code section 65853 and 65854, the City Council of the City of Milpitas held a properly noticed public hearing August 2, 2005 to consider the amendments to Title VIII, Chapter 5 of the Milpitas Municipal Code.
- B. The City Council finds that this Ordinance does not render Title VIII, Chapter 5 inconsistent with the City of Milpitas General Plan.

Section 2. Title VIII, Chapter 5, Section 3.03 is hereby amended to read as follows:

(f) (2) Recycled Water.

(A) The installation of recycled water irrigation systems (dual distribution systems) shall be required to allow for the current and future use of recycled water, unless a written exemption has been granted as described in the following Section (B) or as specified in Section VIII-6-3.07.

(B) Irrigation systems shall make use of recycled water unless a written exemption has been granted by the City of Milpitas, stating that recycled water meeting all health standards is not available and will not be available in the foreseeable future.

(C) The recycled water irrigation systems shall be designed and operated in accordance with all local and State codes.

Section 3. PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

Section 4. SEVERABILITY

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 1. RECITALS AND FINDINGS

- A. Pursuant to Government Code section 65853 and 65854, the City Council of the City of Milpitas held a properly noticed public hearing August 2, 2005 to consider the amendments to Title VIII, Chapter 6 of the Milpitas Municipal Code.
- B. The City Council finds that this Ordinance does not render Title VIII, Chapter 6 inconsistent with the City of Milpitas General Plan.

Section 2. Title VIII, Chapter 6, Section 3.00 is hereby amended to read as follows:

VIII-6-3.00 Restrictions

The following uses of potable water are prohibited:

- 3.01 Use that results in flooding or runoff in gutters, waterways, patios, sidewalks, driveways, or streets except as permitted in Section 3.02 A and B.
- 3.02 Use without a shutoff nozzle on the outlet end of the hose for:
 - A. Washing cars, buses, boats, aircraft, trailers or other vehicles;
 - B. Washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas; and
 - C. Watering outside plants, lawn, landscape and turf areas.
- 3.03 Service of water by any restaurant except upon the request of a customer.
- 3.04 Use through broken or defective plumbing, sprinkler, watering or irrigation systems.
- 3.05 Use in new, added or altered commercial car wash equipment unless a recycled water system is incorporated.
- 3.06 Use in new, added or altered cooling system equipment unless at least fifty percent (50%) of the water is recycled. A waiver to allow less than fifty percent (50%) recycling may be granted by the Chief Building Official due to water quality concerns only. Cost is not an acceptable reason to request or receive a waiver.
- 3.07 Appropriate use for irrigation if reclaimed water is available, except in the following situations as deemed necessary by City Engineer:
 - A. Implementation of the streetscape along Abel and Main Streets;
 - B. Irrigation of City Cultural Resources;
 - C. An establishment period for native plantings, when irrigation will be eliminated at a later period;
 - D. Where recycled water use is prohibited under Title 22 of the State Water Code;
 - E. Other situations where reclaimed water use is deemed inappropriate by City Engineer.
- 3.08 Use in new, added, or altered decorative fountains unless a recycled water system is incorporated. (Ord. 240 (part), 5/3/94)

Section 3. The Table of Contents of Title VII (Public Utilities) of the City of Milpitas is hereby amended to reflect the deletion of the chapter as follows:

Public Utilities Table of Contents

Chapters:

VII-1	Granting a Franchise for Electrical Service	435
VII-2	Granting a Franchise for Gas Service	437
VII-3	Conversion of Overhead Utility Facilities	439
VII-4	Nonessential Uses of Water (Repealed)	443
VII-6	Water Conservation	445

Section 4. *The Table of Contents* of Title VIII (Public Works) of the City of Milpitas is hereby *amended* to reflect the addition of chapter 6 as follows:

Public Works Table of Contents

Chapters:

VIII-1	Water System	449
VIII-2	Milpitas Sanitary Code	463
VIII-3	Backflow Prevention and Cross- Connection Control	498-1
VIII-4	Fees for New Developments	498-8
VIII-5	Water Efficient Landscapes	498-11
VIII-6	Water Conservation	499

Section 5. PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

Section 6. SEVERABILITY

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.